

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCC No. 724 of 2018

Ram Sundar Kachhi S/o Ram Sewak Kachhi Aged About 66 Years Rtd. Junior Engineer , C S P D C L , R/o Jaiprakash Nagar, Adhartal, Jabalpur, Madhya Pradesh

----Applicant

Versus

1. State Of Chhattisgarh Through Managing Director, Chhattisgarh State Electricity Holding Company Ltd. Raipur, District Raipur, Chhattisgarh.
2. Chief Engineer Chhattisgarh State Electricity Distribution Company Ltd. Gudiari, Raipur, Chhattisgarh.
3. Superintendent Engineer Circle Chhattisgarh State Electricity Distribution Company Ltd. Gudiari, Raipur, Chhattisgarh.
4. Executive Engineer Chhattisgarh State Electricity Distribution Company Ltd., Division- Bhatapara, District- Baloda Bazar-Bhatapara, Chhattisgarh.

--Respondents

01/10/2018	Shri K.N. Nande, counsel for the applicant. Shri Dilman Rati Minj, Dy.G.A. for the State. Ms. Veena Nair, counsel for respondents No.2 to 4. Heard on application for restoration of WPS No.4833 of 2011. Reasons have been assigned that counsel was out of station for personal work could not come and the matter could not be traced in the cause list. Subsequently, when enquiry was made it revealed that special mention was made and after enquiry it revealed that case was dismissed in default on 22/01/2016. Learned counsel submits that matter relates to pay fixation, therefore case may be decided on merits. Learned counsel for respondents No.2 to 4 vehemently opposes the same. Perused the original case. It appears that petition was filed for grant of

seniority, promotion and consequential benefit as he was reinstated after termination. Petitioner appears to be superannuated as on date as on the date of filing petition itself in 2011 he was shown to be 59 years.

Considering the case of senior citizen, one default appears to have been committed which resulted into dismissal of petition. Taking into such background of the case, I am inclined to condone the delay of 971 days in filing the application for restoration and restore the case.

Accordingly, MCC is allowed.

The order dated 22/01/2016 is recalled.

WPS No.4833 of 2011 is restored to its original number.

Sd/-

(Goutam Bhaduri)

JUDGE